

PCT

PATENT
0020-4963P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Tetsuya HIGUCHI Conf.:
Appl. No.: 10/069,940 Group: Unassigned
Filed: March 1, 2002 Examiner: Unassigned
For: PROCESS FOR PREPARING FLUORINE-CONTAINING
ELASTOMERIC COPOLYMER COMPOSITION

L E T T E R

Assistant Commissioner for Patents
Washington, DC 20231

April 16, 2002

Sir:

Subsequent to the filing of the above-identified application on March 1, 2002, attached hereto is an English translation of the International Preliminary Examination Report (IPEA 409) which should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

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(Rev. 02/20/02)

PATENT COOPERATION TREATY

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NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

AOYAMA, Tamotsu
 Aoyama & Partners
 Imp Building
 3-7, Shiromi 1-chome
 Chuo-ku, Osaka-shi
 Osaka 540-0001
 JAPON



Date of mailing (day/month/year) 20 February 2002 (20.02.02)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 661956	
International application No. PCT/JP00/05906	International filing date (day/month/year) 31 August 2000 (31.08.00)
Applicant DAIKIN INDUSTRIES, LTD. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,CN,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

JP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Elliott PERETTI Telephone No. (41-22) 338.83.38
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外国方式

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 661956	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP00/05906	International filing date (day/month/year) 31 August 2000 (31.08.00)	Priority date (day/month/year) 01 September 1999 (01.09.99)
International Patent Classification (IPC) or national classification and IPC C08J 3/24, 3/20		
Applicant DAIKIN INDUSTRIES, LTD.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 29 March 2001 (29.03.01)	Date of completion of this report 14 August 2001 (14.08.2001)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/05906

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/05906

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive step (IS)	Claims	7-9	YES
	Claims	1-6,10-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

Document 1 (US, 3876616, A) cited in the international search report describes a process for preparing a composition containing a fluoroelastomer copolymer, a polyhydroxy compound as a vulcanizing agent, and an onium compound as a vulcanization accelerator, and it states that the above vulcanizing agent and vulcanization accelerator are contained in the product of coagulating a fluoroelastomer latex copolymer.

When the inventions set forth in Claims 1-6 and 10-15 are compared with the inventions described in document 1, they differ from the standpoint that in the former a compatibilized mixture of vulcanizing agent and vulcanization accelerator is added to the coagulate, whereas in the latter this matter is not mentioned.

However, the addition per se of a compatibilized mixture of vulcanizing agent and vulcanization accelerator with the purpose of improving dispersion properties when adding vulcanizing agent and vulcanization accelerator to a fluoroelastomer copolymer was public knowledge prior to the filing date of this application as shown in document 2 (JP, 55-45734, A) and document 3 (JP, 56-90836, A) cited in the international search report. This examination finds that persons skilled in the art can easily apply this publicly known technology to the invention described in document 1 with the goal of improving dispersion properties, and therefore persons skilled in the art can easily predict the advantage obtained thereby. As a result, the inventions set forth in Claims 1-6 and 10-15 do not appear to involve an inventive step.

None of the documents cited in the international search report describes the inventions set forth in Claims 7-9, and these inventions are not obvious to persons skilled in the art.